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PAGE 01 MEXICO 11352 01 OF 05 241304Z

42

ACTION SCS-03

INFO OCT-01 ARA-06 ISO-00 SCA-01 DHA-02 L-03 H-02 SNM-02

DEAE-00 PA-01 PRS-01 USIA-06 FSI-01 /029 W

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FM AMEMBASSY MEXICO

TO SECSTATE WASHDC 2048

LIMITED OFFICIAL USE SECTION 1 OF 5 MEXICO 11352

E.O. 11652: N/A

TAGS: CASC, MC

SUBJECT: CASE REVIEW OF AMERICAN PRISONERS IN MEXICO

REF: (A) STATE 281646; (B) MEXICO 11255; (C) MEXICO 10993

1. EMBASSY HAS SOME FEELING OF ACCOMPLISHMENT
IN WHAT HAS BEEN DONE SO FAR THIS YEAR TO IMPROVE THE SITUATION
WITH RESPECT TO AMERICANS ARRESTED AND IMPRISONED IN MEXICO.
HOWEVER, DESPITE CONSIDERABLE IMPROVEMENT ON CERTAIN ISSUES,
A CLOSE EXAMINATION OF THE ISSUES RAISED REFTEL, INDICATES
DISAPPOINTINGLY LITTLE PROGRESS MADE IN SOME OF MOST
IMPORTANT PROBLEM AREAS IN EMBASSY'S CONSULAR DISTRICT.
DESPITE THE ENLIGHTENED CONCEPT OF HUMAN RIGHTS AND PRISON
REFORM REFLECTED IN THE MEXICAN CONSTITUTION AND LAWS, AND
DESPITE THE APPARENTLY HONEST INTENTIONS OF HIGH OFFICIALS
OF THE FEDERAL GOVERNMENT, CORRUPTION, EXTORTION, AND
CRUELTY ARE SO DEEPLY IMBEDDED IN MANY ASPECTS OF MEXICAN
CULTURE, NOTABLY THE LAW ENFORCEMENT SYSTEM, THAT IT IS
PROBABLY UNREALISTIC TO EXPECT THE GOM TO BE ABLE TO
MAKE SUBSTANTIAL CHANGES IN THIS CULTURE FOR THE BENEFIT
OF AMERICAN PRISONERS. THEIR NATIONAL PRIDE APPARENTLY
REQUIRES THEM TO PUBLICLY DENY ALL FAILINGS ON THEIR OWN PART
AND IN SOME CASES TO REGARD ATTEMPTS BY THE EMBASSY TO IMPROVE
CONDITIONS AND ELIMINATE ABUSE OF AMERICAN PRISONERS AS BOTH
UNWARRANTED INTERFERENCE AND AS AN INDICATION THAT WE
CONSIDER THEM SOMEHOW INFERIOR OR BACKWARD.

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PAGE 02 MEXICO 11352 01 OF 05 241304Z

2. IN DISCUSSING PROGRESS OR LACK THEREOF ON SPECIFIC ISSUES AND PROBLEMS RAISED IN PARA 3, REFTEL (A), EMBASSY IS USING TIME-FRAME BEGINNING OCTOBER 1, 1975, IMMEDIATELY AFTER ATTORNEY GENERAL ISSUED INSTRUCTIONS TO FEDERAL AUTHORITIES TO NOTIFY CONSULS OF ARRESTS, AND DECEMBER 16, EXCEPT AS OTHERWISE STATED.

A. PROMPT NOTIFICATION OF ARREST: WITHIN EMBASSY'S OWN CONSULAR DISTRICT, ATTORNEY GENERAL'S INSTRUCTIONS OF SEPTEMBER 28 HAVE HAD LITTLE EFFECT. OF TWENTY-SEVEN ARRESTS SINCE THEN, EMBASSY HAS BEEN NOTIFIED BY AUTHORITIES IN ONLY EIGHT CASES, ANYWHERE UP TO THREE WEEKS FOLLOWING ARREST. AVERAGE LAPSE WAS ONE WEEK BETWEEN ARREST AND NOTIFICATION. IN OTHER NINETEEN CASES, EMBASSY LEARNED OF ARRESTS AS USUAL THROUGH NEWSPAPERS, FBI, DEA, AND FRIENDS OR RELATIVES. AS REPORTED REF. B, MEXICAN AG APPEARED GENUINELY EMBARRASSED OVER NON-COMPLIANCE HIS INSTRUCTIONS, PARTICULARLY IN FEDERAL DISTRICT, AND WE HOPE FOR MORE FORCEFUL INSTRUCTIONS AND RESULTS ON THIS ISSUE.

B. IMMEDIATE ACCESS: GIVEN FIGURES ABOVE, IT IS CLEAR THAT ACCESS HAS BEEN FAR FROM IMMEDIATE. OF TWENTY-SEVEN CASES MENTIONED, ACCESS WAS DENIED FOR UP TO ONE WEEK IN FIVE CASES EVEN AFTER EMBASSY FINALLY LEARNED OF ARREST.

C. MISTREATMENT AT TIME OF ARREST AND DURING IMPRISONMENT: IN ABOVE TWENTY-SEVEN CASES, FIFTEEN PERSONS ALLEGED MISTREATMENT, AND THERE WAS SUBSTANTIAL EVIDENCE IN SEVERAL TO SUPPORT ALLEGATIONS. NONE OF FIFTEEN WOULD PERMIT PROTEST. NONE HAVE SO FAR ALLEGED MISTREATMENT IN PRISON.

D. CONFISCATION OF MONEY AND PROPERTY: EIGHTEEN OF TWENTY-SEVEN ARRESTEES CLAIM PERSONAL POSSESSIONS CONFISCATED, THOUGH PART OR ALL WERE RETURNED IN THREE CASES. EMBASSY KNOWS OF NO CASES WHERE RECEIPT WAS GIVEN.

E. MISCONCEPTIONS OF PRISONERS AND RELATIVES REGARDING ROLE AND AUTHORITY OF EMBASSY: PRESENT ARREST AND DETENTION OFFICERS ARE MOTIVATED, ENERGETIC AND GENUINELY LIMITED OFFICIAL USE

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PAGE 03 MEXICO 11352 01 OF 05 241304Z

SYMPATHETIC TOWARD PRISONERS' PLIGHT. BECAUSE THEY VISIT PRISONERS MORE OFTEN THAN FORMERLY AND HAVE MORE FREQUENT AND POSITIVE PERSONAL CONTACT WITH PRISONERS* FAMILIES THAN FORMERLY, THERE HAS BEEN DISTINCT AND SUBSTANTIAL IMPROVEMENT IN RELATIONS OF PRISONERS AND FAMILIES WITH CONOFFS, AS WELL AS IMPROVED UNDERSTANDING OF WHAT INDIVIDUAL CONOFFS CAN AND CANNOT DO. THERE HAS BEEN SOME TRANSFERENCE OF THIS UNDERSTANDING WITH RESPECT TO HIGHER RANKING EMBASSY

OFFICERS, AS WITNESS GENERALLY GOOD RECEPTION GIVEN AMBASSADORS AND CONSUL GENERAL DURING RECENT PRISON VISITS. THERE HAS, HOWEVER, BEEN VERY LITTLY APPARENT TRANSFERENCE TO EMBASSY AND USG AS INSTITUTIONS. THE SAME PARENT WHO SITS DOWN TO WRITE A FRIENDLY THANK-YOU NOTE TO A CONOFF MAY AT THE SAME TIME WRITE A LETTER TO HIS CONGRESSMAN WHICH IS HOSTILE TO THE EMBASSY, CONSIDERABLY EXAGGERATES THE SUFFERINGS OF HIS OFFSPRING, AND DEMANDS THAT USG DO SOMETHING TO PROVIDE RELIEF. IT IS QUITE POSSIBLE, OF COURSE, THAT MANY PARENTS DO INDEED UNDERSTAND EMBASSY'S LIMITATIONS BUT DO NOT ADMIT IT TO THEMSELVES BECAUSE THAT WOULD MEAN ABANDONING HOPE. THEY MAY WRITE HOSTILE AND EXAGGERATED LETTERS SIMPLY BECAUSE IN A SITUATION IN WHICH THEY ARE OTHERWISE POWERLESS, THAT IS ALL THEY CAN DO. WHETHER THIS CONJECTURE IS CORRECT OR NOT, EMBASSY DOES NOT FORESEE ANY LET-UP IN PRESSURE BY PRISONERS AND THEIR FAMILIES FOR RELIEF BY USG, I.E., RELEASE AND FREEDOM. IN ANY CASE, THERE WILL ALWAYS BE NEW PRISONERS WITH SAME MISCONCEPTIONS.

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PAGE 01 MEXICO 11352 02 OF 05 241314Z

42

ACTION SCS-03

INFO OCT-01 ARA-06 ISO-00 SCA-01 DHA-02 L-03 H-02 SNM-02

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R 240040Z DEC 75

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TO SECSTATE WASHDC 2049

LIMITED OFFICIAL USE SECTION 2 OF 5 MEXICO 11352

F. MISCONCEPTIONS REGARDING MEXICAN LEGAL PROCESSES:
BY NOW IT IS DOUBTFUL THAT ANY MISCONCEPTIONS CONCERNING MEXICAN LEGAL PROCESS REMAIN AMONG PRESENT GROUP OF PRISONERS AND FAMILIES. THERE IS NO DOUBT, HOWEVER, THAT THEY WILL CONTINUE TO GRASP AT ANY PROVISION OF LAW OR OTHER STRAW WHICH GIVES SLIGHTEST HOPE OF RELEASE.

G. EXTORTION AT TIME OF ARREST AND IN PRISON: RUMORS

OF EXTORTION AND BRIBERY GENERALLY SURROUND CASE OF ANY PERSON ARRESTED FOR SERIOUS CRIME, SUCH AS DRUG-CONNECTED CRIMES, WHO IS RELEASED PRIOR TO OR SHORTLY AFTER BEING CONSIGNED TO JUDGE. WHILE THERE IS REASON TO BELIEVE SOME OF THESE RUMORS, EMBASSY HAS NEVER HAD CONCRETE EVIDENCE OF OFFICIAL EXTORTION OF ARRESTEES OUTSIDE OF PRISONS. INSIDE LECUMBERRI PRISON, "MAYORES" CONTINUE TO DEMAND AND GET MONEY FOR EXEMPTION FROM "FAJINA" MR CELL RENT, FOOD, SOMETIMES WORK RIGHTS, ETC. HOWEVER, THERE APPEARS TO BE LITTLE, IF ANY, OF THIS AT SANTA MARTA AND LAY REYES. EMBASSY SEES LITTLE LIKELIHOOD FOR SUBSTANTIAL IMPROVEMENT OF THE SITUATION AT LECUMBERRI SO LONG AS THAT PRISON REMAINS OPEN AND THE PRESENT PRISON ADMINISTRATION REMAINS IN POWER, ALTHOUGH PRISONERS AT LECUMBERRI HAVE STATED THAT THERE HAS BEEN SOME IMPROVEMENT LATELY. SINCE THE PRISON ADMINISTRATION HAS NOT CHANGED, ANY CHANGE MAY BE ATTRIBUTED TO NUMEROUS VISITS BY CONOFFS AND OTHERS SUCH AS AMBASSADOR, SCA ADMINISTRATOR, AND CONGEN, TO THEIR REPRESENTATIONS WITH HIGH GOM OFFICIALS AND ATTENTION GIVEN MATTER BY U.S. AND LOCAL PRESS.

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PAGE 02 MEXICO 11352 02 OF 05 241314Z

H. EXTORTION BY ATTORNEYS: AS EMBASSY HAS REPORTED, PUBLICITY HAS BEEN GIVEN TO A GOM INVESTIGATION OF ACTIVITIES OF SO-CALLED COYOTE ATTORNEYS WHO, ON BASIS OF UNFULFILLABLE PROMISES, OBTAIN LARGE SUMS OF MONEY FROM PRISONERS OR THEIR FAMILIES, AND DO NOTHING FURTHER. INVESTIGATION BEING CONDUCTED AT VERY LOW LEVEL AND PROCEEDING AT SNAIL'S PACE, IF AT ALL. EMBASSY IS ATTEMPTING TO ASSIST PRISONERS BY OBTAINING DECLARATIONS AND EVIDENCE TO PROVIDE TO FEDERAL DISTRICT ATTORNEY GENERAL'S OFFICE OFFICIAL CONDUCTING INVESTIGATION. IT APPEARS EXCEEDINGLY DOUBTFUL THAT PRISONERS WILL GET REFUNDS FROM EXTORTIONATE ATTORNEY'S EITHER BECAUSE OF THE ATTORNEY'S INFLUENCE OR BECAUSE THEY WILL JOIN THEIR MONEY ABROAD IF AND WHEN ANY PROSECUTION SEEMS LIKELY. NONE OF TWENTY-SEVEN NEW CASES HAS YET CLAIMED EXTORTION BY ATTORNEY, PERHAPS BECAUSE OF RELATIVELY SHORT TIME SINCE ARRESTS. ONE IS EXPECTED TO DO SO SOON, WHEN FIVE-WEEK PERIOD RUNS OUT DURING WHICH ATTORNEY PROMISED TO OBTAIN HIS RELEASE.

I. DISCRIMINATION IN SENTENCING MEXICANS AND AMERICANS IN DRUG CASES: MOST AMERICANS IMPRISONED ON HARD DRUG CHARGES IN THIS CONSULAR DISTRICT HAVE BEEN PROSECUTED FOR IMPORTATION, WHICH CARRIES HEAVIER PENALTY THAN OTHER CHARGES. MOST MEXICANS ARE CHARGED WITH POSSESSION, TRAFFICKING, OR SOME OTHER VIOLATION, MAKING IT DIFFICULT TO MAKE COMPARISONS. DATA ON SENTENCING IS, MOREOVER, DIFFICULT TO OBTAIN. WHILE THERE HAVE BEEN CASES WHERE AMERICAN PRISONERS HAVE CLAIMED THAT A MEXICAN GOT A

LIGHTER SENTENCE FOR THE SAME CRIME, IT WOULD PROBABLY BE POSSIBLE TO FIND OTHER CASES WHERE MEXICANS GOT HEAVIER SENTENCES. AT THIS TIME, AT LEAST, EMBASSY DOES NOT CONSIDER THIS ITEM, IMPORTANT THOUGHT IT MAY BE, TO WARRANT PRIORITY ATTENTION OWING TO THE AMOUNT OF RESEARCH WHICH WOULD BE INVOLVED.

J. PROVISION OF MEDICAL AND DENTAL TREATMENT: THIS CONTINUES TO BE A PROBLEM, ESPECIALLY DENTAL CARE. MOST OF LARGER PRISONS HAVE ADEQUATE MEDICAL FACILITIES AND SOME HAVE ADEQUATE DENTAL FACILITIES; SMALLER ONES MAY HAVE NEITHER. IN ANY CASE, THE AMERICAN PRISONERS IN GENERAL LIMITED OFFICIAL USE

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PAGE 03 MEXICO 11352 02 OF 05 241314Z

REGARD THE FACILITIES AND PHYSICIANS AS INFERIOR AND DISLIKE HAVING TO USE THEM. IN ADDITION, VISITING CONOFFS HAVE ON MANY OCCASIONS FOUND PRISONERS IN NEED OF CARE AND WHO HAVE REQUESTED IT BUT NOT BEEN PROVIDED FOR. NECESSARY CARE OFTEN PROVIDED ONLY AFTER CONOFF ASKED FOR OR DEMANDED IT. PRISON AUTHORITIES ARE LOATH TO ALLOW PRISONERS TO VISIT OUTSIDE PHYSICIANS OWING TO FREQUENCY OF ESCAPES OR ATTEMPTED ESCAPES AND, WHERE FACILITIES ARE AVAILABLE WITHIN THE PRISON, WILL NOT USUALLY LET OUTSIDE PHYSICIANS COME IN.

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PAGE 01 MEXICO 11352 03 OF 05 241321Z

42

ACTION SCS-03

INFO OCT-01 ARA-06 ISO-00 SCA-01 DHA-02 L-03 H-02 SNM-02

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FM AMEMBASSY MEXICO

TO SECSTATE WASHDC 2050

LIMITED OFFICIAL USE SECTION 3 OF 5 MEXICO 11352

K. FREQUENCY OF CONOFF VISITS: FOR PAST EIGHT MONTHS AT LEAST, EVERY DETENTION FACILITY IN CONSULAR DISTRICT WHERE AMERICANS ARE HELD HAS BEEN VISITED ON AVERAGE OF ONCE A MONTH. LECUMBERRI HOLDING JAIL AND LOS REYES WOMEN'S PRISON HAVE BEEN VISITED EVEN MORE OFTEN. EMBASSY HAS UTILIZED OFFICERS FROM OTHER SECTIONS MAKING OFFICIAL TRIPS TO MAKE SOME OF THESE VISITS AND EVEN THE SERVICES OF OFFICERS ON LOCAL LEAVE. THE INCREASED FREQUENCY OF THE VISITS HAS IMPROVED RELATIONS BETWEEN PRISONERS AND CONOFFS, BUT IS PROVING A CONSIDERABLE STRAIN ON PRESENT SMALL STAFF OF A&D OFFICERS. APART FROM THE TIME OCCUPIED BY THE VISITS THEMSELVES--A VISIT TO AN OUT-LYING PRISON MAY TAKE TWO DAYS INCLUDING TRAVEL TIME, AND FULL DAY VISITS TO EACH OF THE THREE PRISONS WITHIN THE FEDERAL DISTRICT ARE NOT UNCOMMON -- EACH VISIT GENERATES AN ENORMOUS AMOUNT OF WORK IN RECORDING AND REPORTING, AND IN PERFORMING THE NUMEROUS SERVICES REQUESTED BY THE PRISONERS. IT CAN BE TAKEN AS FACT THAT THE MORE THE CONOFFS DO FOR THE PRISONERS, THE MORE THEY WILL BE ASKED TO DO. BUT THIS DOES NOT MEAN THAT MOST OF THESE SERVICES ARE IMPORTANT MUCH LESS ESSENTIAL FOR THE PRISONER'S WELL BEING OR TO INSURE THAT HE RECEIVES FAIR TREATMENT. IN THIS CONNECTION, EMBASSY SHARES MONTERREY'S DOUBTS THAT ARBITRARY ONCE-A-MONTH VISITATION RULE, WHATEVER ITS COSMETIC VALUE, SERVES THE BEST INTERESTS OF AMCIT PRISONERS AS A WHOLE AND RECOMMENDS A MORE DISCRETIONARY APPROACH.

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PAGE 02 MEXICO 11352 03 OF 05 241321Z

L. MISTREATMENT OF U.S. VISITORS TO PRISONS: THERE HAVE BEEN FEW INSTANCES OF REAL MISTREATMENT OF VISITORS. MOST COMPLAINTS DEAL WITH MEN HAVING TO CUT THEIR HAIR IN ORDER TO GET IN, OR WOMEN HAVING TO WEAR SKIRTS INSTEAD OF SLACKS. GUARDS FREQUENTLY DO ASK FOR MONEY TO CALL PRISONERS, AND THERE HAVE BEEN IN A FEW CASES INTERNAL PHYSICAL SEARCHES HANDLED IN A DISGUSTING AND UNSANITARY MANNER. THE LAST MENTIONED MIGHT BE PROTESTED, BUT, UNFORTUNATELY, THERE HAVE BEEN INSTANCES WHERE PROHIBITED ITEMS WERE SMUGGLED INTO A PRISON INTERNALLY.

M. EXTENDED TRIAL DETENTION: AS THE DEPARTMENT IS AWARE, THE EMBASSY HAS VIRTUALLY ABANDONED PROTESTING BY DIPLOMATIC NOTE DETENTION OF MORE THAN ONE YEAR WITHOUT A RESOLUTION OF THE CASE. WE HAVE RECEIVED VIRTUALLY NO SUBSTANTIVE RESPONSES TO SUCH PROTESTS; MOREOVER, IT CAN BE ARGUED THAT LEGAL ACTION TO OBTAIN REDRESS IS THE JOB OF THE ACCUSED'S ATTORNEY. FINALLY, IT IS USUALLY UNCLEAR WHETHER THE RESPONSIBILITY FOR DELAY RESTS WITH THE JUDGE, THE PROSECUTION, OR THE DEFENSE. SINCE OCTOBER 1, THE

EMBASSY HAS SENT LETTERS TO THE JUDGE IN ELEVEN CASES CALLING HIS ATTENTION TO THE PROLONGED DETENTION. ONLY ONE RESPONSE HAS BEEN RECEIVED (WHERE THE JUDGE STATED THAT THE TRIAL WAS PROGRESSING SLOWLY BECAUSE OF THE NON-APPEARANCE OF THE DEFENSE ATTORNEYS), BUT IN SIX CASES, THERE WAS ALMOST IMMEDIATE SENTENCING. IN THE FEDERAL DISTRICT THIS HAS AT LEAST ONE PRACTICAL BENEFICIAL EFFECT FOR MEN, UNLESS THE PRISONER APPEALS; IT PERMITS HIS TRANSFER FROM LECUMBERRI TO SANTA MARTA, WHERE CONDITIONS ARE LESS RIGOROUS.

N. POSSIBILITY OF "FIANZA" WHEN ELEGIBLE: EXCEPT FOR OCCASIONAL COMPLAINTS THAT "FIANZA" HAS BEEN SET TOO HIGH, EMBASSY HAS HAD NO PROBLEM ON THIS COUNT. DENIAL OF "FIANZA" SEEMS TO BE MORE COMMON IN AREAS NEAR BORDER WHERE PRISONERS ARE LIKELY TO BREAK TERMS OF "FIANZA" AND DEPART MEXICO. IN EMBASSY'S CONSULAR DISTRICT, PRISONER SET FREE ON "FIANZA" IS LIKELY TO BE DEPORTED AND FORFEIT BOND, EVEN IN THE UNLIKELY EVENT THAT HE WOULD PREFER TO REMAIN.

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PAGE 01 MEXICO 11352 04 OF 05 241331Z

42

ACTION SCS-03

INFO OCT-01 ARA-06 ISO-00 SCA-01 DHA-02 L-03 H-02 SNM-02

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R 240040Z DEC 75

FM AMEMBASSY MEXICO

TO SECSTATE WASHDC 2051

LIMITED OFFICIAL USE SECTION 4 OF 5 MEXICO 11352

O. AVAILABILITY OF AND CREDIT FOR COMMISSIONED WORK: IN THEORY, A COMMISSIONED JOB IS PART OF A COMPREHENSIVE PROGRAM OF REHABILITATION PROGRAM. THE PRISONER IS SUPPOSED TO BE PAID FOR HIS WORK WHICH IN TURN IS SUPPOSED TO CONTRIBUTE TO THE PRISONER'S FUTURE VALUE IN THE LABOR MARKET AND TO THE ECONOMIC SELF-SUFFICIENCY OF THE PRISON. THE PRISONER ALSO IS SUPPOSED TO PARTICIPATE IN EDUCATIONAL ACTIVITIES. TIME OFF IS SUPPOSED TO

BE GIVEN IF THE PRISONER NOT ONLY WORKS AND PARTICIPATES, BUT ALSO DEMONSTRATES GOOD CONDUCT AND THAT HE HAS BEEN REHABILITATED. IN FACT, VERY FEW MEXICAN PRISONS HAVE ANY SUCH COMPREHENSIVE REHABILITATION PROGRAM. WHERE IT IS GIVEN AT ALL, CREDIT IS GIVEN FOR PERFORMING WORK NECESSARY TO PRISON AND PRISONER UPKEEP, SUCH AS WASHING DISHES, GARDENING, ETC., AND CRAFTS. IN SOME OF THE MORE LIBERAL PRISONS, IT MAY BE GIVEN TO A WOMAN PRISONER SIMPLY FOR LOOKING AFTER HER OWN CHILD. IN THE ABSENCE OF PROGRAMS, ESPECIALLY IN OLD AND OVER-CROWDED PRISONS LIKE LECUMBERRI IN MEXICO CITY, COMMISSIONED JOBS MAY BE DISTRIBUTED AT THE WHIM OF PRISON AUTHORITIES OR "MAYORES", OR UPON PAYMENT OF BRIBES TO FAVORED TRUSTEES. IN SOME CASES, PRISON AUTHORITIES SELL CREDIT FOR WORK WHICH WAS NEVER DONE. MANY SMALLER JAILS AND PRISONS SIMPLY IGNORE THE COMMISSIONED JOB SYSTEM. UNDER THESE CIRCUMSTANCES, IT IS IMPOSSIBLE FOR THE EMBASSY TO ASSURE THAT EVERY AMERICAN PRISONER WHO WANTS TO WORK TIME OFF HIS SENTENCE MAY HAVE A COMMISSIONED JOB. EXCEPT IN THE VERY BEST PRISONS, LIMITED OFFICIAL USE

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PAGE 02 MEXICO 11352 04 OF 05 241331Z

TIMEKEEPING IS LAX, AND PRISONERS ARE NOT ASSURED OF RECEIVING CREDIT FOR TIME WORKED. IN THE END IT FREQUENTLY BOILS DOWN TO THE PRISONER'S WORD AGAINST THAT OF PRISON AUTHORITIES, AND EMBASSY HAS NO WAY OF KNOWING WHICH, IF EITHER, MAY BE CORRECT.

P. ACTION ON APPEALS: ONLY APPEAL PROBLEM OF WHICH EMBASSY IS AWARE IN THIS DISTRICT IS DILATORINESS OF ATTORNEYS. WE WILL CONTINUE TO RESPOND TO REQUESTS FROM PRISONERS TO PROD THEIR ATTORNEYS ALONG.

Q. HANDLING PLAUSIBLE ALLEGATIONS OF INNOCENCE: ONE MAJOR DIFFICULTY IN HANDLING PLAUSIBLE ALLEGATIONS OF INNOCENCE IS THAT EMBASSY HAS NO ACCESS TO COURT FILE OR EVIDENCE PRESENTED IN CASE. ONLY LEGAL REPRESENTATIVES OF PARTIES INVOLVED HAVE ACCESS. ONE POSSIBILITY OF OVERCOMING THIS PROBLEM WOULD BE TO SEEK TO HAVE EMBASSY'S NEW LEGAL ADVISOR NAMED AN ADDITIONAL "DEFENSOR" IN CERTAIN SPECIFIC CASES FOR SOLE PURPOSE OBTAINING ACCESS TO FILES IN ORDER TO FORM INDEPENDENT JUDGMENT OF MERITS OF CASE. EMBASSY DOES NOT FAVOR INVOLVING LEGAL ADVISOR IN CASES IN THIS WAY. SEEMS INEVITABLE THIS WOULD LEAD TO DEMANDS THAT HE ASSIST IN LEGAL DEFENSE OF PRISONER. MOREOVER, EMBASSY APPREHENSIVE OVER CONSULAR OFFICERS OR LEGAL ADVISER BECOMING INVOLVED IN JUDGMENTS OF GUILT OR INNOCENCE, A JUDGMENT CONSULAR OFFICERS ARE ADMONISHED NOT TO MAKE LEST IT AFFECT HIS FULFILLMENT OF HIS PROTECTION RESPONSIBILITIES. IN THREE SEEMINGLY PLAUSIBLE CASES OF INNOCENCE, AT EMBASSY REQUEST, LOCAL ATTORNEY CHECKED INTO COURT RECORDS.

RECORDS REVEALED EVIDENCE DIAMETRICALLY OPPOSED TO CLAIMED INNOCENCE OF ARRESTED AMCIT.

3. FOLLOWING WITH REGARD TO PARA 4, REFTEL (A) ABOVE.

A. SEE PARA 2-A ABOVE AND REFTEL B.

B. MOST IMPORTANT PROBLEMS IN DEALING WITH PRISONERS AND RELATIVES INCLUDE:

(1) REFUSAL TO ACCEPT FACTS OF SITUATION, AS DISCUSSED IN PARA 2-E ABOVE;
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PAGE 03 MEXICO 11352 04 OF 05 241331Z

(2) FAILURE OF PRISONERS TO BRING MISTREATMENT OR DENIAL OF RIGHTS TO CONOFF'S ATTENTION IN TIMELY MANNER;

(3) FAILURE OF PRISONER TO PERMIT PROTEST WHEN HE DOES BRING MATTER TO CONOFF'S ATTENTION (REF C);

(4) LACK OF FUNDS, TO MEET PRISONERS' REQUIREMENTS FOR MEDICAL AND DENTAL CARE OVER AND ABOVE THAT PROVIDED BY PRISONS WHICH IS FREQUENTLY INADEQUATE.

C. THERE ARE VERY FEW PRISONERS WHO ARE UNWILLING TO BE SEEN IF THEY ARE CALLED OUT, BUT CONOFF CAN NEVER KNOW WHETHER PRISONER WHO DOES NOT COME FORTH DURING VISIT IS UNWILLING TO TALK OR MERELY HAS NOTHING TO SAY. AT PRESENT CONOFFS RELY ON THOSE PRISONERS WHO DO COME FORTH TO ADVISE OF ANY PROBLEMS ENCOUNTERED BY OTHERS. EMBASSY WILL ATTEMPT TO MAKE PERIODIC SPECIFIC INQUIRIES ABOUT THOSE PRISONERS WHO FAIL TO APPEAR FOR INTERVIEW AND WILL CONTINUE TO CALL OUT FOR INTERVIEW THE ABSENTEES WHOSE FAMILIES HAVE EXPRESSED PARTICULAR CONCERN.

D. IN EMBASSY'S CONSIDERED VIEW, PRESENT STAFF TO DEAL WITH PRISONER PROBLEMS IS INADEQUATE. ADDITION OF THIRD A&D OFFICER AND LEGAL ADVISER WILL ALLEVIATE SITUATION. HOWEVER, WE ESTIMATE THAT EMBASSY WILL NEED ONE MORE MIDDLE-LEVEL CONSULAR POSITION (AND PERHAPS ADDITIONAL LOCAL POSITION) TO PERMIT THE FREQUENCY OF CONTACT AND REPRESENTATION WITH GOM OFFICIALS, LEVEL OF NEEDED SERVICES FOR PRISONERS, AND MAINTENANCE OF VOLUME OF RECORDS, REPORTS AND CORRESPONDENCE, IMPOSED BY PRISONER ISSUE. WE ALSO STRONGLY URGE APPROVAL OF THE PROPOSAL FOR APPOINTMENT OF CONSULAR AGENTS. CONSULAR TRAINING SHOULD INCLUDE MORE SPECIFIC TRAINING ON KEY LEGAL ISSUES, AND PSYCHOLOGY AND SOCIAL SERVICE ASPECTS OF PROTECTION WORK. SUGGEST FSI AND SCS DEVELOP WRITTEN TRAINING MATERIAL THAT COULD BE

DISTRIBUTED TO ALL POSTS. AS INDICATED ABOVE, DENTAL AND OTHER EMERGENCY EXPENSES RELATING TO PRISONERS, THE USE OF SUCH FUNDS BEING DEFINED UNDER PRECISE GUIDELINES.

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PAGE 01 MEXICO 11352 05 OF 05 241340Z

42

ACTION SCS-03

INFO OCT-01 ARA-06 ISO-00 SCA-01 DHA-02 L-03 H-02 SNM-02

DEAE-00 PA-01 PRS-01 USIA-06 FSI-01 /029 W

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R 240040Z DEC 75

FM AMEMBASSY MEXICO

TO SECSTATE WASHDC 2052

LIMITED OFFICIAL USE SECTION 5 OF 5 MEXICO 11352

4. FOLLOWING RE PARA 5, REFTEL (A).

EMBASSY HAS PREVIOUSLY EXPRESSED ITS VIEWS REGARDING ELEVATION OF PRISONER ISSUE IN ORDER TO OBTAIN BETTER TREATMENT FOR ARRESTED AMCITS. IN SUMMARY, WE ARE DEALING WITH A CENTURIES-OLD SYSTEM THAT IS UNLIKELY TO CHANGE SUBSTANTIALLY WHATEVER OUR EFFORTS AT WHATEVER LEVEL. AS DEPARTMENT AWARE, ISSUE HAS BEEN RAISED REPEATEDLY BY AMBASSADOR AND OTHERS AT HIGHEST LEVEL OF GOM. WE ALSO BELIEVE IT IS ESSENTIAL THAT WE CONTINUE TO PRESS VIGOROUSLY AT ALL LEVELS AND IN ALL FORUMS OF GOM FOR IMPROVEMENT IN ALL ASPECTS OF PRISONER TREATMENT. HOWEVER, IT IS ESSENTIAL THAT USG ACTIONS AND STATEMENTS ON THIS ISSUE BE CONSISTENT AND THAT WE ALLOW NO OPPORTUNITY TO PASS BY WITHOUT PRESSING THE ISSUE. IF WE SPEAK ONLY AT RARE INTERVALS, BOTH HERE AND IN WASHINGTON, AND ONLY WHEN PRODDED BY CONGRESS, GOM WILL CONTINUE TO BE SKEPTICAL THAT IT IS A MAJOR CONCERN OR BELIEVE THAT IT IS AN ISSUE ONLY WITH RESPECT TO A SMALL NUMBER OF CONGRESSMEN. WE DO NOT FAVOR SANCTIONS, FOR EVEN LIMITED ONES RUN THE RISK OF CAUSING REPRISALS AGAINST RESIDENT AMERICANS AND TOURISTS AS WELL AS AMCIT PRISONERS. THE PROJECTED CLOSING OF LECUMBERRI, OR AT LEAST THE OPENING OF NEW FACILITIES IN THE DISTRICT, DOES INDEED PRESENT GOM WITH OPPORTUNITY TO IMPROVE TREATMENT OF AMCIT PRISONERS. AS DEPARTMENT AWARE, THE BULK OF COMPLAINTS OF EXTORTION, ETC., COME FROM

LECUMBERRI. HOWEVER, IT SHOULD BE BORNE IN MIND THAT THE MAJOR ASPECT OF THE MISTREATMENT ISSUE RELATES TO MISTREAT-LIMITED OFFICIAL USE

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PAGE 02 MEXICO 11352 05 OF 05 241340Z

MENT BY FEDERAL AUTHORITIES IN THE FIRST FEW HOURS OR DAYS AFTER ARREST AND NOT PRISON CONDITIONS. THUS, TIMELY NOTIFICATION OF ARREST AND EARLY ACCESS TO ARRESTED AMCITS ARE KEY ASPECTS IN OUR EFFORTS TO PREVENT MISTREATMENT.

5. FOLLOWING RE PARA 6, REF (A).
EMBASSY REGULARLY TRANSMITS TO DEPARTMENT ANY LOCAL PRESS COVERAGE OF PRISONER ISSUE. SUCH COVERAGE IS INFREQUENT ALTHOUGH LOCAL PRESS WILL OCCASIONALLY REPRINT STORIES APPEARING IN U.S. PRESS. RESIDENT U.S. COMMUNITY VIEW ON PRISONER ISSUE IS DIVIDED, BUT GREAT MAJORITY EITHER INDIFFERENT OR NOTABLY LACKING IN SYMPATHY FOR PRISONERS. WE HAVE SEEN NO SOLUTIONS TO THE PROBLEM RECOMMENDED BY PRESS, RESIDENT U.S. COMMUNITY, OR GOM OFFICIALS, ASSUMING ANY OF THEM CONSIDERS THAT A PROBLEM EXISTS. WE HAVE SEEN NO PRESS CRITICISM OF TREATMENT ACCORDED MEXICANS IN U.S. PRISONS, APART FROM INFREQUENT REFERENCES TO TREATMENT OF ILLEGAL ALIENS. WE ARE HOPEFUL THAT AS A RESULT OF OUR CONTINUING TO PRESS THIS ISSUE WITH HIGH LEVEL GOM OFFICIALS THEY ARE CONVINCED OF THE CONGRESSIONAL AND PUBLIC CONCERN IN THE U.S. WE BELIEVE THAT THE LIMITED PROGRESS THAT HAS BEEN MADE ON SEVERAL ISSUES IS UNDOUBTEDLY THE RESULT OF OUR APPROACHES. HOWEVER, WE WILL HAVE TO CONTINUE TO RAISE THESE ISSUES GENERALLY AND SPECIFICALLY AT EVERY OPPORTUNITY AS PART OF OUR EFFORTS TO SENSITIZE GOM OFFICIALS TO THE SERIOUSNESS WITH WHICH WE VIEW THE PROBLEM.
JOVA

LIMITED OFFICIAL USE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: FOREIGN RELATIONS, ANNUAL REPORTS, PRISONERS
Control Number: n/a
Copy: SINGLE
Draft Date: 24 DEC 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975MEXICO11352
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750447-0066
From: MEXICO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19751212/aaaaajvt.tel
Line Count: 584
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION SCS
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
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Reference: 76 STATE 281646, 76 MEXICO 11255, 76 MEXICO 10993
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
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Review Media Identifier:
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Secure: OPEN
Status: NATIVE
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TAGS: CASC, PFOR, MX
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Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006